

U.S. Office of Personnel Management

Statement of Regulatory and Deregulatory Priorities

Fall 2021 Unified Agenda

- **Mission and Overview**

OPM works in several broad categories to recruit, retain and honor a world-class workforce for the American people.

- We manage Federal job announcement postings at USAJOBS.gov, and set policy on governmentwide hiring procedures.
- We uphold and defend the merit systems in Federal civil service, making sure that the Federal workforce uses fair practices in all aspects of personnel management.
- We manage pension benefits for retired Federal employees and their families. We also administer health and other insurance programs for Federal employees and retirees.
- We provide training and development programs and other management tools for Federal employees and agencies.
- In many cases, we take the lead in developing, testing and implementing new governmentwide policies that relate to personnel issues.

Altogether, we work to make the Federal government America's model employer for the 21st century.

- **Statement of Regulatory and Deregulatory PrioritiesManagement Priorities**

OPM is required to amend the regulations to implement statutory and policy initiatives. OPM prioritization is focused on initiatives that:

- Actions that advance equity and support underserved, vulnerable and marginalized communities;
- Actions that counter the COVID-19 public health emergency and expand access to healthcare;.
- Actions that create and sustain good jobs with a free and fair choice to join a union and promote economic resilience in general.

Rulemaking that Supports Equity

- ***Elijah E. Cummings Federal Employee Anti-Discrimination Act of 2020***

3206-AO26

The Office of Personnel Management (OPM) is issuing proposed regulations governing implementation of the Elijah E. Cummings Federal Employee Discrimination Act of 2020, which became law on January 1, 2021. OPM is proposing to conform its regulations to the Act, which amends existing or adds new requirements to the Notification and Federal Employee Anti-Discrimination and Retaliation Act of 2002. The proposed regulations, among other things, establish a new requirement to post findings of discrimination that have been made, establish new electronic format reporting requirements for Agencies, and establish new disciplinary action reporting requirements for Agencies.

- **The Fair Chance Act**

3206-AO00

The Fair Chance Act prohibits agencies from making inquiries or soliciting information concerning job applicant's criminal history record information prior to receipt of conditional offer. It requires OPM to publish regulations by December 20, 2020, covering the entire Executive civil service. Regulations must include position specific exceptions and a process for receiving and investigating complaints against Federal employees by applicants and specifies adverse actions for founded violations.

Rulemaking that addresses Covid-19 Related issues and expand access to healthcare

- **Requirements Related to Surprise Billing; Part I**

3206-AO30

This interim final rule with comment would implement certain protections against surprise medical bills under the No Surprises Act.

- ***Requirements Related to Surprise Billing; Part II***

3206-AO29

This joint interim final rule with comment with the Departments of Health and Human Services, Labor, and Treasury would implement additional protections against surprise medical bills under the No Surprises Act, including provisions related to the independent dispute resolution processes.

- ***FEDVIP: Extension of Eligibility to Certain Employees on Temporary Appointments and Certain Employees on Seasonal and Intermittent Schedules; Enrollment Clarifications and Qualifying Life Events***

3206-AN91

The U.S. Office of Personnel Management (OPM) is issuing a proposed rule to expand eligibility for enrollment in the Federal Employees Dental and Vision Insurance Program (FEDVIP) to additional categories of Federal employees. This proposed rule expands eligibility for FEDVIP to certain Federal employees on temporary appointments and certain employees on seasonal and intermittent schedules that became eligible for Federal Employees Health Benefits (FEHB) enrollment beginning in 2015. This rule also expands access to FEDVIP benefits to certain firefighters on temporary appointments and intermittent emergency response personnel who became eligible for FEHB coverage in 2012. These additions will align FEDVIP with FEHB Program eligibility requirements. This proposed rule also updates the provisions on enrollment for active duty service members who become eligible for FEDVIP as uniformed service retirees pursuant to the National Defense Authorization Act of 2017 (FY17 NDAA), Public Law 108-496. In addition, this rule proposes to add qualifying life events (QLEs) for enrollees who may become eligible for and enroll in dental and/or vision services from the Department of Veterans Affairs, since this issue may impact TRICARE-eligible individuals (TEIs) and other enrollees.

Rulemaking that creates and sustains good jobs with a free and fair choice to join a union and promote economic resilience in general.

- ***Probation on Initial Appointment to a Competitive Position, Performance-Based***

Reduction in Grade and Removal Actions and Adverse Actions

3206-AO23

The Office of Personnel Management (OPM) is issuing regulations governing probation on initial appointment to a competitive position, performance-based reduction in grade and removal actions, and adverse actions. The rule rescinds certain regulatory changes made in an OPM final rule published at 85 FR 65940 on November 16, 2020 per EO 14003 on Protecting the Federal Workforce. This rule also proposes new requirements for procedural and appeal rights for dual status National Guard technicians for certain adverse actions. Elements of the November 16, 2020, rule due to statutory changes will remain in effect, such as procedures for disciplinary action against supervisors who retaliate against whistleblowers and the inclusion of appeals rights information in proposal notices for adverse actions.

- ***Hiring Authority for College Graduates***

3206-AO23

The U.S. Office of Personnel Management (OPM) is issuing an interim rule to amend its career and career-conditional employment regulations. The revision is necessary to implement section 1108 of Public Law 115-232, John S. McCain National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2019, which requires OPM to issue regulations establishing hiring authorities for certain college graduates to positions in the competitive service under 5 U.S.C. 3115. The intended effect of the authority is to provide additional flexibility in recruiting and hiring eligible and qualified individuals from all segments of society. This authority may also be a useful tool in helping agencies implement Agency Diversity, Equity, Inclusion, and Accessibility Strategic Plans as required by E.O. 14035.

- **Pathways Programs**

3206-AO25

The U.S. Office of Personnel Management (OPM) is issuing proposed regulations to modify the Pathways Internship program (IP) to allow agencies greater flexibility when making appointments. OPM is proposing these changes to improve and enhance the effectiveness of the IP consistent with E.O. 13562, which requires OPM to support agency internship needs, and E.O 14035, which

requires OPM to support and promote agency use of paid internships.